

APPROVED: Meeting No. 03-94

ATTEST: *Paula Jewell*

MAYOR AND COUNCIL  
ROCKVILLE, MARYLAND  
Meeting No. 01-94

January 10, 1994

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland, on January 10, 1994, at 7:38 p.m.

PRESENT

Mayor James F. Coyle

Councilmember Robert E. Dorsey

Councilmember Rose G. Krasnow

Councilmember James T. Marrinan

Councilmember Nina A. Weisbroth

In attendance: City Manager Bruce Romer, City Clerk Paula Jewell and City Attorney Paul Glasgow.

Re: City Manager's Report

1. Mr. Romer announced that he recently learned that John Pettit, a major property owner in Town Center, died of a heart attack.
2. One of the major initiatives of the Mayor and Council was an interest in doing more to highlight opportunities for summer employment in the community. This past weekend, the City conducted a summer jobs fair which was very successful and well attended.
3. Mr. Romer noted that at a recent Council of Governments (COG) Chief Administrative Officers Committee meeting, the regional snow plan which governs the snow and inclement weather policies for the area were discussed as well as the recent water emergency.

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Mr. Romer said there was considerable concern on a regional basis about what happened, and Fairfax County, one of COG's members requested that a summit on the region's water supply be held at end of the month.

4. The City of Rockville was mentioned in the "Book of Lists" publication, published by Washington Business Journal; the publication noted 86 Rockville businesses; 35 of which are in the City's limits.

5. The January Washingtonian Magazine listed two of Rockville's restaurant's in its "100 Best Restaurants" article: Bombay Bistro and Il Pizzico.

Re: End Violence Now Campaign

Mayor Coyle noted that the City of Rockville held a press conference earlier to announce the kickoff of the "End Violence...Now" Purple Ribbon Campaign.

Re: Holiday Fund Drive

Mayor Coyle commented that Computer Data Systems, Inc. presented a check for \$6500, representing proceeds raised by CDSI staff for the City's Holiday Fund Drive.

Re: Proclamation declaring January 17, 1994 as **MARTIN LUTHER KING, JR. DAY** in Rockville.

This is a joint proclamation between the City of Rockville, the Montgomery County Government and the City of Gaithersburg.

Proclamation No.01-94

By a unanimous vote of the Mayor and Council, January 17, 1994 was declared

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"Martin Luther King, Jr. Day" in Rockville. Upon the request of the Mayor, Councilmember Dorsey read the Proclamation, the full text of which can be found in Proclamation File No. 7 of the Mayor and Council. The Proclamation will be presented at a ceremony sponsored by the City of Rockville, the City of Gaithersburg and Montgomery County on January 17, 1993.

Re: Presentation of Certificate of Appreciation to James Vitol, past Chairman of the Rockville Planning Commission.

The Mayor and Council presented a Certificate of Appreciation to James Vitol, past Chair of the Rockville Planning Commission.

Re: Special Presentations to Councilmembers Dorsey and Weisbroth.

Mayor Coyle presented Certificates of Appreciation to Councilmember Dorsey recognizing him for his 11 years of service on the Human Rights Commission and Councilmember Weisbroth, for her four years of service on the Planning Commission.

Re: Citizens Forum

1. George Northway and John Moser, Cultural Arts Commission, updated the Mayor and Council on the CAC's plan to formulate a Master Plan for the Arts. The CAC will establish goals for the task force, which will be chaired by John Moser. Mr. Moser explained that the CAC will present the Mayor and Council with a Plan in 1995 and is hoping to implement the Plan in FY'96. He praised the Department of Parks and Recreation and Director Burt Hall for their work in support of the arts.

2. Leah Barnett, Potomac Woods Civic Association noted that the Clarksburg site for a new jail was still in the County's CIP budget and she said that was a result of the strong arguments for it. However, she said she feared that the County would renege on its agreement with the City to not expand the current jail site because they wanted to improve and expand the Seven Locks jail or build a new jail in the City of Rockville. Ms. Barnett said she would be organizing a coalescence of citizens to demand that the County live up to its commitment to the City of Rockville.

Mayor Coyle said on December 28, he sent a letter to County Executive Potter reiterating the City's position with respect to the Detention Center and reminding him of the County's agreement of the terms and conditions of the use permit governing the Detention Center.

Councilmember Marrinan remarked that the current site was inappropriate for the type of facility the County needed based on a study commissioned by the County in the early 1980's. Mr. Marrinan said he was outraged that the County had forgotten its commitment to the City to not expand the site. Mr. Marrinan reminded everyone that in order for the County to move forward with any proposals for expansion, they would need the City's permission and he knew that this Mayor and Council would not grant it.

Councilmember Krasnow said the City could only do but so much; it would be up to the people of Rockville to take their concerns to the County and let it know of their opposition to expansion of the jail.

3. Hariott Manley, 826 Fordham Street on behalf of College Gardens thanked the Mayor and Council for their support in acquiring the 20-acre parcel of County land within the College Gardens Woods. She expressed appreciation to former Mayor Duncan, City Manager

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Romer, and Community Development Director Neal Herst. She also proposed that the City adopt the woods as part of the City's "Keep It Clean" program and said that the vitality of the woods and Watts Branch Creek needed to be carefully considered during development of the King Farm.

4. Estelle Berberian, Senior Citizens Commission expressed appreciation to the Mayor, Council and City staff for their help in seeing to it that the needs of all seniors were met.

5. Stan Sheltra, Chair, Senior Citizens Commission commented that the Senior Citizens Commission, Rockville Seniors, Inc. and the Senior Center membership expressed their vote of confidence for the Senior Center land swap that would soon take place.

6. Mansfield Kaseman, 704 Carter Road said the City was experiencing the same escalation of violence as other communities. He thanked the Mayor and Council and City Staff for sponsoring the press conference on the "Stop The Violence...Now Purple Ribbon Campaign". He noted the purple ribbons, which he said were available at Rockville houses of worship, Montgomery County libraries and all City buildings, would help raise the consciousness that everyone needed to be personally vested in the issue of violence.

7. Alice Kelly, Chair of West End Citizens Association noted Agenda Item #14 regarding a zoning amendment to eliminate convents, monasteries, etc. She reminded the Mayor and Council that the Planning Commission, City Staff and a number of people from the community had spoken in favor of the Zoning Ordinance amendment at the public hearing held in November.

8. Rob Ciapetta, Board of Directors at Plymouth Woods thanked the Mayor and Council for their work on behalf of Plymouth Woods.

9. Bill Meyers, 804 Leverton Road noted the lack of enforcement with business owners

who failed to clear the snow and ice from their sidewalks in downtown Rockville.

10. Cheryl Kagan invited citizens to meet at Rockville High School on January 17th at 3:45 p.m. to take part in a caravan to rally on gun violence in Annapolis.

Re: Report on Town Center redevelopment project briefing recently presented to Governor Schaefer.

The Mayor and Council recently reported to Governor Schaefer on progress by Rockville Center, Inc. utilizing State funding previously appropriated. Work to be completed with anticipated additional State funding was also presented. This report will highlight the major elements of that presentation.

Mr. Romer gave a briefing on activities related to the Town Center project. He said the redevelopment project would arrest some of the declining property values in Town Center, and he noted some of the activities that had transpired since the plan was presented by RCI one year ago: the development agreement was signed; new zoning laws were in place; all major leases had been resolved; about 65% of the public funds had been committed; and the demolition was on schedule. Last week, the entire Mayor and Council and John Cuticelli of RCI, visited Annapolis to meet with Cas Taylor, the new Speaker of the House, and Governor Schaefer to discuss the Town Center activities taking place and to express the need for continuing the State funding program.

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Mr. Romer said the Mayor and Council were planning to meet with the County Council about the third and final year of the funding program. Over the next several months, the Planning Commission would be working on the planning development for downtown Rockville and a final development plan may be completed by May 1994. Mr. Romer remarked that the Mayor, Council and Staff saw a vigorous progress taking place and they looked forward to the continuing partnership with RCI.

Mr. Romer then discussed the demolition projects and development plans that residents would see taking place over the next few months.

Re: Appointments

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, George Northway was reappointed to serve as Chair of the Cultural Arts Commission.

Upon motion of Councilmember Weisbroth, duly seconded and unanimously passed, Glennon Harrison was appointed to fill out the unexpired term on the Planning Commission.

Upon motion of Councilmember Dorsey, duly seconded and unanimously passed, Virginia Onley was appointed to serve on the Senior Citizens Commission.

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, John Keith was appointed to serve as Chair of the Science, Technology and Environment Commission.

Re: Approval of Minutes

Councilmember Weisbroth noted the need for the word "architectural" to follow "habitable" in line 9 on page 13. Ms. Weisbroth also noted that a clarification was needed on

page 18, to amend New Business Item #1 to read as follows:

1. Councilmember Weisbroth commented that she had requested that the City's recycling program be extended so that the City's boards and commissions could participate in it. She ~~noted~~ requested the support of the Mayor and Council to enable a memo, that the City Manager had ~~issued a memo~~ developed recommending that members of our boards and commissions recycle their unneeded documents at City Hall, be released.

Councilmember Dorsey noted that clarification was needed in the last line on page 16; City Attorney Glasgow recommended the following amendment: "Changes to Use Permits amendments..." Mr. Dorsey then noted an amendment on page 19, in Item #3, line 2 to read, "...representatives met with a ..."

Upon motion of Councilmember Weisbroth, duly seconded and unanimously passed, the Minutes of Meeting No. 41-93 (December 13, 1993) were approved as amended.

Re: Consent Agenda

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the following Consent Agenda Items were approved:

(A) Award of Bid #32-94 for purchase of two Chassis Mounted Vacuum Leaf Collectors to Old Dominion Brush of Richmond, Virginia for the low bid of \$31,780.00.

This will provide replacements for two 1985 "Giant Vac" leaf collectors assigned to the General Maintenance Division. Funds are budgeted in Account #110-850-0803-0431 for this purchase.

(B) Award of Bid #34-94 for purchase of one 35,000 GVW Diesel Dump

Truck to Chesapeake Ford Truck Sales, Inc. of Baltimore, Maryland for the low bid of \$41,248.00.

This will provide a replacement vehicle for the Water Division and there is \$40,000.00 budgeted for this purpose. There is sufficient funds in account #210-850-0803-0431 (50%) and account #110-850-0803-0431 (50%) for this purchase.

- (C) Award of bid #36-94 for purchase of two 35,000 GVW, 20 cubic yard rear loader refuse trucks. The two truck chassis are to be purchased from Chesapeake Ford Truck Sales, Inc. of Baltimore, Md. for the low bid of \$71,598.00 and the two 20 cubic yard compactor bodies from B & B Equipment Company, Inc. of Baltimore, Md. for the low bid of \$36,996.00.

This will provide two replacement vehicles for the Refuse Division with \$109,000.00 budgeted in account #230-850-0803-0431.

- (D) Receipt of financial reports summarizing the results of City operations for the period from July 1, 1993, through November 31, 1993.

Councilmember Dorsey encouraged the Rockville business community to submit their own competitive bids so that the City's money could be spent in Rockville.

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Re: Adoption of Resolution authorizing and empowering the Mayor and Council of Rockville to issue, sell and deliver revenue refunding bonds in a principal amount not to exceed \$11 million in order to refund prior bonds and refinance a loan to New Summit Associates Limited Partnership.

Resolution No. 01-94

Upon motion of Councilmember Weisbroth, duly seconded and unanimously passed, the Resolution authorizing the Mayor and Council to issue, sell and deliver revenue refunding bonds, was adopted. The full text of the Resolution can be found in Resolution Book No. 10 of the Mayor and Council.

Re: Adoption of Ordinance to grant Map Amendment Application M-60-93, Miller, Miller and Canby, Attorneys for the Estate of William A. Linthicum, Applicant.

Amendment to the Zoning Map so as to reclassify a 9,834 square foot property at 110 S. Washington Street from the R-90 Residential Zone to the 0-1 Office Zone.

Ordinance No. 01-94

Upon motion of Councilmember Weisbroth, duly seconded and unanimously passed, the Ordinance granting Map Amendment M-60-93 to amend the Zoning Map, was adopted. The full text of the Ordinance can be found in Ordinance Book No. 18 of the Mayor and Council.

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Re: Adoption of Ordinance to grant Map Amendment Application M-61-93, Potomac Capital Investment Corporation, Applicant.

Amendment to the Zoning Map so as to reclassify a 24.54 acre portion of the PEPCO property between West Gude Drive and Redland Road from the I-2, Light Industrial Zone to the I-3, Industrial Park Zone.

Ordinance No. 02-94

Upon motion of Councilmember Dorsey, duly seconded and unanimously passed, the Ordinance granting Map Amendment Application M-61-93 to amend the Zoning Map, was adopted. The full text of the Ordinance can be found in Ordinance Book No. 18 of the Mayor and Council.

Re: Adoption of Resolution to authorize execution of an agreement and all documents necessary to convey two residual parcels of land plus the payment of \$1.5 million, or land of equivalent value, to Montgomery County in return for the transfer by Montgomery County of certain land to the City, including the Senior Center property and a 20 acre undeveloped site along Watts Branch in College Gardens.

Mr. Romer said the Resolution was the result of a number of goals which were grounded in the City's neighborhoods and articulated by the Mayor and Council for a long time.

He said the City also wanted to look at ways to make it easier for the County to fulfill its commitment to fund the downtown project and to provide a chance for the City to address some of its goals. The City was giving away some excess land for value--Montgomery County would receive Parcels 7 and 8 in exchange for approximately 20 acres of land in the Upper Watts Branch area. The City's goal for acquiring the land was to keep and protect it in its natural state. The County was also giving the City the land which occupied the City's Senior Center and the building itself. Mr. Romer noted that the Senior Center has had to forego grants and funding opportunities because there was no ownership of the Senior Center. The City will provide cash or land equivalent valued at \$1.5 million over a 5-year period.

Councilmember Krasnow commented that the land swap was a win-win situation and one of the best accomplishments the City has had in the past 12 years. She said she agreed that safety mechanisms needed to be put into place to ensure that the parcel would be maintained as park land. She then expressed appreciation to County Councilmember, Bill Hanna, who she said worked hard to bring the land swap about.

Councilmember Marrinan pointed out that Mr. Romer had been modest in describing the negotiations--he said they were actually very complex negotiations and that he appreciated Mr. Romer's attention and work on the matter.

Mayor Coyle noted that there was still work ahead--he said the City still needed the County's signatures on the agreement, and he encouraged interested citizens to contact the County Council and ask for their support. Mr. Coyle said the Mayor and Council were planning to meet with Hungerford/Stoneridge residents to make sure the plans for the park land were compatible

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with the concerns of the community.

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, the Resolution authorizing the execution of an agreement was adopted. A full copy of the Resolution may be found in Resolution Book No. 10 of the Mayor and Council.

Re: Discussion and Instructions to Staff regarding Text Amendment Application T-139-93, Rockville Planning Commission, Applicant.

Amendment to the Zoning Ordinance so as to eliminate convents, monasteries, parish houses and parsonages as permitted uses in residential zones, and provide for such facilities as accessory uses on the same lot as a place of worship.

The Mayor and Council directed that Staff bring back an ordinance to amend the Zoning Ordinance to eliminate convents, monasteries, parish houses and parsonages as permitted uses in residential zones, and provide for such facilities as accessory uses in the same lot as a place of worship.

Re: FYI/Correspondence

1. Councilmember Weisbroth thanked Walker Hill for providing background information on accessory uses in home churches.
2. Councilmember Krasnow noted Item #3 regarding the Avery Road closing; she asked how residents and others would access their property and the golf course. Mr. Romer said it appeared that local access would be maintained from the Norbeck Road leg of the bridge. He

said staff would attempt to find out more from Montgomery County Department Of Transportation and publish the information in Rockville Reports.

3. Councilmember Dorsey commented on the A T & T language line program the City joined to provide over-the-telephone language interpretations for residents needing such service.

4. Mayor Coyle noted Item #8 regarding the retail inventory project. He suggested that the Montgomery County Fire and Rescue records might be a useful source in completing the inventory because of the extensive information maintained.

5. Councilmember Marrinan called attention to the COG population forecasts over the next 25 years and he noted that the City's projection for the year of 2020 was 60 thousand up from the current level of 44.8 thousand.

6. Councilmember Dorsey commented that Recreation Programs Supervisor, Glenda Moultrie and other staff provided a very informative and well presented job fair on January 7th.

Re: New Business

1. Councilmember Marrinan noted the earlier press conference and he remarked on the recent killing of three young adults in the City. He said he felt that the Mayor and Council and other community leaders needed to do more to prevent violence and handgun violence in particular. He referenced a recent article in the Washington Post about how Canada handled the problem by stringently regulating the use of firearms. Mr. Marrinan proposed that the Mayor and Council convey their concerns and suggestions on dealing with violence to the Maryland State and Congressional delegations.

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2. Councilmember Krasnow said she would support the Mayor and Council making such a statement to the State and Congressional delegations as one means of addressing the problem of violence; she said the "End Violence...Now Campaign" would suggest other ideas to end violence. Ms. Krasnow said she would like to see greater youth involvement in the campaign.

3. Mayor Coyle remarked that the Campaign's focus was on all violence; not just gun violence. He suggested that the City Manager, Chief Treschuk and other staff come up with ideas for what the City could do to add to the Campaign. Mayor Coyle expressed appreciation to Councilmember Dorsey, a co-founder of the Campaign.

4. Councilmember Dorsey emphasized the fact that the Purple Ribbon Campaign hoped to raise people's consciousness to think about what they, as individuals, could do to help end violence. He thanked Helen Roberto and Co-founder Rusty Wallace, for their part in the Campaign.

4. Mayor Coyle noted the Martin Luther King, Jr. ceremony, January 17th at 12 noon.

Re: Next Meeting

There will be a Public Hearing on Tuesday, January 18, 1994 on the following matters: ANX93-0117, 649 Joint Venture, Petitioners; ANX93-0118, Pilch, Petitioners; and TXT93-0141 re the transfer of application processing to Community Development.

Re: Adjournment

There being no further business to come before the Mayor and Council, the meeting was adjourned at 9:35 p.m., to convene again in Public Hearing at 7:30 p.m. on January 18, 1994, or at the call of the Mayor.